

## David Mead - House Resolution 48

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**From:** "Nancy & Al" <nwarren1@earthlink.net>  
**To:** "Huuki Matt" <MattHuuki@house.mi.gov>, "mead d" <dmead@house.mi.gov>  
**Date:** 4/11/2011 1:52 PM  
**Subject:** House Resolution 48  
**Attachments:** Wolf Petition Comments.docx

I strongly oppose House Resolution 48 for many reasons.

HR 48 is not only misguided, it contains inaccurate and misleading information.

I am attaching the comments I submitted to the US Fish and Wildlife Services as they ponder the delisting of the wolf which I hope you will read.

I do not support an amendment to the Endangered Species Act which would remove gray wolves from the Federal Endangered Species list. To do so, would be precedent setting and threatens the purpose and intent of the ESA.

This resolution clearly shows the lack of understanding of the complexity of predator/prey relationships. There is no scientific evidence that wolves are responsible for a significant reduction in our state's deer population. The resolution fails to address the ecological importance of wolves on the landscape.

The resolution cites a situation in Ironwood. No child (or adult) was threatened by a wolf in Ironwood and at no time were the wolves ever documented in the yard of the day care center. No one has ever been injured by a wolf in Michigan. While several wolves were removed about ½ mile from the day care center, it illustrates that MI DNR has the authority to kill wolves, even while classified as federally endangered, if wolves become habituated to humans. Habituation can sometimes occur through directly feeding wolves or indirectly feeding through the feeding of deer and the ESA allows for wolves to be killed if public safety could become an issue.

Michigan had a good Wolf Management Plan, however, this plan has been weakened by the Legislature and because of these changes, I no longer support delisting (though I can support downlisting to Federally Threatened). I have no confidence the MI Legislature will allow Michigan DNR to afford protection to the wolf upon delisting.

I would be happy to discuss wolves further with you.

Nancy Warren  
PO Box 102  
Ewen, MI 49925

PO Box 102  
Ewen, MI 49925  
November 6, 2010

Division of Policy and Directives Management  
US Fish and Wildlife Services  
4401 N Fairfax Drive Suite 222  
Arlington, VA 22203

Dear Decision Maker,

As the USFWS contemplates the delisting of the gray wolf in the Western Great Lakes, I wish to address the following factors which are being evaluated during this process:

*Other natural or manmade factors affecting the continued existence of the wolf and*

*The extent and adequacy of Federal, State, and tribal protection and management that would be provided to the wolf in the Western Great Lakes region as a delisted species*

Sufficient threats affecting the existence of the wolf still exist. Negative human attitudes and irrational fear of wolves were one of the reasons why the gray wolf was nearly eradicated. Under the Endangered Species Act this threat must be confronted and significantly reduced before the wolf can be delisted.

Legislative decisions about wolf management are being made based on fear and misinformation rather than actual facts and sound science. In 2008, the Michigan Legislature adopted and the Governor signed Public Acts 290 and 381 (Attachments 1 & 2). These laws will become effective upon delisting of the wolf.

Public Acts 290 and 381 are vague and contain many fatal flaws. These laws allow any individual to kill a wolf "preying upon" livestock or dogs, without defining "preying upon." Therefore, "preying upon" is subject to any interpretation. The laws do not establish a penalty for killing a wolf determined by MI DNR not to be "preying upon" the livestock or dog. Essentially, these laws allow anyone who claims a wolf is, was, or may be a threat, whether real or perceived, to legally kill it.

Unlike Michigan DNR guidelines, Public Acts 290 and 381 allow for wolves to be killed on public or private lands if the owner (or designated agent, without defining designated agent) determines a wolf is "preying upon" a dog or livestock. These laws also allow for wolves to be "captured or removed," again, without defining the terms. This could imply that any individual can trap or otherwise kill a wolf even if there is no imminent threat to livestock or dogs. The reporting requirements are vague; each of the laws state the person *may* (not shall or must) report the taking of a wolf to the RAP hotline. The only

requirement is that the person report the killing of the wolf to a department official within 12 hours. In effect the person can call the local DNR station, after hours, leave a message on the machine for someone on vacation, and still meet the requirements of the law.

Public Act 290 allows the wolf to be moved providing the person “takes photographs of the deceased gray wolf” and “may” be requested to submit them.

Section 6.10.1 of the MI Wolf Management Plan states “...at least 27% of the wolf-depredation complaints submitted by Michigan residents in 2004 were prompted by depredation that were actually caused by dogs or coyotes. Another 23% of the alleged wolf-depredation events reported in 2004 could not be attributed to a specific cause because the available physical evidence was insufficient.”

In these cases the producers had a dead/missing animal and still they erroneously blamed the wolf 27% of the time. Public Acts 290 & 381 do not require the dogs or livestock to be injured or killed. A wolf walking along a fence line or on a trail in the National Forest could be perceived as in the act of “preying upon” livestock or a dog and be shot even though the wolf never displayed threatening behavior.

The indiscriminate killing of wolves allowed by Public Acts 290 and 381 can lead to the disruption of the pack structure, impact pack dynamics and may cause an increase in depredation. Further, these laws, which were supported by MI DNR<sup>1</sup> contradicts its scientifically sound management plan.

Historically, the coyote hunting season was closed during the Michigan deer firearm season. The intent was to protect the wolf from mistaken identity. However, the Michigan Wildlife Conservation Order, effective May 6, 2010, now states:

#### THE WILDLIFE CONSERVATION ORDER

“3.610 Coyote, open season; exceptions; person taking considered permittee; fur harvester's license not required to hunt.

Sec. 3.610 (1) The open season for taking coyote by hunting shall be July 15 to April 15 except:

(a) Coyotes may be taken all year on private property by the property owner or their designee when coyotes **are doing or about to do damage to their property**. A written permit is not required, and the person shall be authorized to take coyote all year by otherwise lawful hunting and trapping methods. (Emphasis added)

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<sup>1</sup> As a result of a FOIA request, received a copy of an email dated 3/15/10 Attachment 3

(b) Coyotes shall not be taken in state park and recreation areas from April 1 to September 14.

(2) A resident possessing a small game license may hunt coyote without securing a fur harvester's license."History: Am. 9, 1989, Eff. Sep 1, 1989; Am. 10, 1990, Eff. Sep 1, 1990; Am. 9, 1991, Eff. Sep 1, 1991; Am. 5, 1994, Eff. Sep 1, 1994; Am. 5, 1995, Eff. Sep 1, 1995; Am. 3, 2001, Eff. Mar 1, 2001; Am. 9, 2003, Eff. Jun 7, 2003; Am. 9, 2005, Eff. Jul 8, 2005; Am. 10, 2009, Eff. Jun 4, 2009; Am. 9, 2010, Eff. May 6, 2010

In 2009, 96,841 Upper Peninsula hunters spent 729, 408 days hunting.  
[http://www.michigan.gov/documents/dnr/report3513\\_327318\\_7.pdf](http://www.michigan.gov/documents/dnr/report3513_327318_7.pdf)

With just a small game license, a Michigan resident may hunt rabbit, hare, fox and gray squirrel, pheasant, ruffed grouse, crow and coyote. No license is required for a resident, spouse or children to hunt small game on the enclosed farmlands where they live.

According to the 2009 Michigan Wolf Management Report (published 4/27/10), illegal killing of wolves accounted for 40% of radio- collared wolf mortality during bio-years 1999-2009 (April 15- April 14 the following year).

Several predator hunts are planned to be held for the 2010 firearm deer season; it remains to be seen how many wolves will be accidentally (or intentionally) shot because of this change in policy. Posts on blogs warn to check for a collar prior to shooting a wolf and with the prevalent "shoot, shovel, shut-up" attitude, many dead wolves will never be reported.

In its Wolf Management Plan, signed by Director Humphries July 2008, the Michigan DNR made numerous commitments to the people of Michigan (Attachment 4), yet last year, the Michigan Wolf Coordinator position was reduced to 40% showing a lack of commitment to the State's Management plan.

The Wolf Coordinator is either directly or indirectly responsible for each of the important strategies within the Plan and it will be extremely difficult, if not impossible, for the State of Michigan to fully implement its plan without a full time wolf coordinator.

Education is a key component of the MI Wolf Management Plan. Without a full time coordinator, wolf education will not be given the priority it requires. Instead, false rumors and embellished wolf stories left unchallenged will become accepted as facts adding to the negative perceptions of wolves.

According to Section 6.6.1 of the Management Plan, "Monitor the health of wolves in Michigan" wolf health will be monitored through necropsies of dead wolves and analysis of biological samples from captured live wolves. Recently, two Michigan wolves were caught in coyote traps. The trapper notified DNR and the release of the wolves by DNR Conservation Officers was recorded by the trapper. This could have been an opportunity to collar, evaluate for injuries and monitor these wolves. However, the animals were

released without being collared because, according to the CO, no one was available to collar the wolves. How many other times has this occurred? We only know of this occasion because the trapper posted his pictures and video on a hunting website.  
<http://s188.photobucket.com/albums/z5/Ozlow3686/Trapping/?action=view&current=DSCF1185.mp4>

In April 2009 Michigan removed gray wolves from the State's threatened and endangered species list and amended the Wildlife Conservation Order to grant "protected animal" status to the wolf. However, a turkey has more protection than a wolf. The wolf is hardly protected.

The language regarding prohibitions and penalties are in statute (established by State Legislature) and the pertinent sections of Public Act 451 are shown as Attachment 5.

Since wolves are not specifically mentioned in the law, they are categorized as "other". A person who illegally shoots a wild turkey (State population 200,000+), could be fined \$200-\$1000, lose their hunting license and reimburse the State \$1000 for the cost of the animal. But, if that same person shot a collared wolf (State population less than 600), they could be fined as little as \$50-\$500, pay the cost of prosecution, they do not lose their hunting license and would pay the state a maximum of only \$100 for the cost of the wolf.

Each violator could be required to pay the cost of prosecution or possibly go to jail, however, the maximum fine for killing a wolf is one-half that for a turkey and reimbursement to the state is one-tenth the amount paid for a turkey!

Earlier this year, Dr. Russ Mason, MI DNR Wildlife Chief, attended a series of meetings and gave TV and newspaper interviews as he traveled across Michigan's Upper Peninsula.

On January 11, 2010, I attended a DNR sponsored citizen advisory committee meeting in Alberta, MI. Many advisory board members and other individuals made grossly inaccurate statements about wolves such as there are "450 wolves in the Western UP counties"; that there is "Greater wolf density in the Western UP than deer"; "There is nothing left to hunt"; "Individuals (private landowners) will be giving up their snowmobile trail easements in protest of wolf management." Mr. Mason never countered any of the inaccurate statements. Instead, Mr. Mason stated he believes wolves should be designated as a game species and there should be a recreational hunting season. He added that predators need to be managed to increase the prey base. Mason said that non-lethal measures (to control predators) do not work and quipped, "Put out a couple of flags, that's it."

Mason never once spoke of the values of wolves in the ecosystem. This is in sharp contrast to Section 6.8.1 of the Wolf Management Plan that states: "The benefits of wolves may not be apparent to many Michigan residents. Public education and outreach could help residents understand and appreciate those benefits. Action: Provide the public with

information on the benefits of wolves as part of a wolf based information and education program (see 6.1.1)."

At another meeting, reported by Saulte Ste Marie Evening News 1/14/10, Dr. Mason said, half-jokingly, that the U.S. Fish and Wildlife Service takes this matter (killing wolves) very seriously: "If they catch you, they will burn down your house and sell your kids into slavery." <http://www.sooeveningnews.com/news/x1560340792/Time-to-delist-the-wolf>

Mr. Mason is quoted as saying, "like any game species, they (wolves) deserve to be managed" in an interview with the Ironwood Daily Globe, published 1/12/10 (Attachment 6).

In an interview with TV 6 news, Mr. Mason said, "This delisting effort has nothing to do with biology. It's got everything to do with fund-raising. It's got everything to do with money." The interview can be viewed at:

<http://www.uppermichiganssource.com/news/story.aspx?list=~%5Cnews%5Clists%5Clocal&id=400640>

That same week, Mr. Mason appeared on the local outdoor show, "*Discovering*". During that interview, Mr. Mason's tone and inference led viewers to believe predators were responsible for low deer harvest. He chuckled and said there are "obvious reasons" why gun and ammo purchases were up. (The video is no longer available online).

Mason stated 550 wolves (a level that has taken 20 years to reach) are "several times the state's recovery goal." Two hundred wolves was the recovery goal, however, it is not the population goal. The Wolf Plan states the minimum requirement (200 animals) "is not necessarily sufficient to provide all of the ecological and social benefits valued by the public." The Plan does not identify a target population size, nor does it establish an upper limit for the number of wolves in the State, yet Mason misled the public by insinuating the recovery goal is also the population goal.

Mr. Mason's background should be reason for concern as wolf delisting is contemplated. Russ Mason is listed in the first paragraph as a reference of this publication that includes information about poisoning coyotes, bears, fox, and dogs (pgs 26-28).

<http://icwdm.org/handbook/pestchem/active.pdf>

Russ Mason is listed in the acknowledgements for a study conducted on the use of chocolate, tea, coffee as a more socially acceptable poison and can be found at [http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1014&context=icwdm\\_usdan\\_wrc](http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1014&context=icwdm_usdan_wrc) This research is particularly disturbing because captive coyotes were used and killed as a means to test toxicity. (In Michigan, chocolate is currently allowed, in unlimited quantities, as a bear bait)

In a 2007 article about the Nevada Predator Management Plan, Russ Mason stated: "Emergency predation management in remaining pockets of unburned habitat and riparian areas should help the antelope, mule deer, sage grouse, and other wildlife that remain in these fragmented pieces of their former range."

<http://www.pahrumpvalleytimes.com/2006/Oct-27-Fri-2006/sports/10441880.html>

In 2007 Mason seemed proud that in his former state, Nevada, regulations to kill cougar were as liberal as anywhere in the West.

[http://www.rmgameandfish.com/hunting/RM\\_0107\\_02/index.html](http://www.rmgameandfish.com/hunting/RM_0107_02/index.html)

A July 24, 2008 article, titled "Wildlife Official Retreats from Incriminating e-mail" exposed the controversy surrounding Russ Mason and the shooting of wild horses on public lands in Nevada. Apparently, wild horses were seen as competitors for forage that might otherwise be consumed by deer, elk, and bighorn sheep.

[http://www.lasvegascitylife.com/articles/2008/07/25/news/local\\_news/iq\\_22882604.txt](http://www.lasvegascitylife.com/articles/2008/07/25/news/local_news/iq_22882604.txt)

Pages 6-8, of the minutes found at the link below provide greater insight into Russ Mason's wolf policies. He sought to have wolves designated a game species before they became established in Nevada.

[http://www.wnwnet.org/learn/comm/mag/081508\\_supp01/062708\\_min.pdf](http://www.wnwnet.org/learn/comm/mag/081508_supp01/062708_min.pdf)

Mr. Mason's extensive background in predator control and his openly negative remarks regarding predators in general, place Michigan wolves at risk. He has expressed his support for a wolf-hunting season, referred to the Wolf Management Plan as a "control" plan, criticized non-lethal measures, condemned private organizations and chastised the USFWS. His statements such as "Like any game species, they (wolves) deserve to be managed" (while the wolf is listed as Federally endangered animal and a Michigan protected non-game species) do not support the MI DNRE mission to foster partnerships or instill confidence that the Michigan DNR will manage wolves in accordance with the approved plan.

The organizations calling for delisting allege wolves need to be "managed" however; these groups are pro-hunting organizations that support a public harvest of wolves as a management tool. They are motivated by their desire to increase deer numbers by decreasing predators.

The minutes of the June 2009 Natural Resource Board meeting reflect "Waldo, representing WI Conservation Congress (WCC) as Chair stated their concern as to the need to aggressively manage wolves before the plan is in place. They do not feel that this can be handled with government trapping alone and hope that for the benefit of the species and to control the population, the management program will include some level of public harvest.

<http://dnr.wi.gov/org/nrboard/2009/June/06-09-NRB-Minutes.pdf>

Wisconsin DNR is being forced to develop the framework for a public harvest and has initiated the process:

"The mission of the Wisconsin Conservation Congress Wolf Study Committee is to help implement and review current policies and practices that are a part of Wisconsin's Wolf Management Plan. To effectively accomplish this mission, the committee will take into consideration a wide array of biological and sociological issues critical to Wisconsin's Wolf Management Strategy, including but not limited to: management boundaries, depredations, zones, **harvest goals**, nuisance research, trapping, population modeling, rehabilitation, habitat and other issues of statewide conservation or environmental concern." (Emphasis added)

<http://dnr.wi.gov/org/nrboard/congress/documents/2009%20Mission%20Statements.pdf>

The Wisconsin Conservation Congress Wolf Committee met on 10/8/10. The agenda for that meeting reflects discussion of two 2010 Citizen Resolutions: List Timber Wolves as an Invasive Species and Petition to Delist Wolves from Endangered Resources and Threatened Species List and a public wolf harvest discussion.

[http://dnr.wi.gov/org/nrboard/congress/calendar/2010/wolf\\_100810web.pdf](http://dnr.wi.gov/org/nrboard/congress/calendar/2010/wolf_100810web.pdf)

The Michigan plan calls for the establishment of regular communication among agencies, stakeholder groups, and the public to monitor progress made toward implementation of the Plan and provide opportunities for the DNRE to receive input on specific management issues. Last year, DNR invited 24 stakeholder groups to participate in a Wolf Citizen Advisory team; however, to date the team still has not been formed.

Although wolves have reached the numeric goals for delisting, the state management regime is not adequate to protect wolves against indiscriminate killing. The wolf plans were created through cooperation of many different organizations and concessions were made by all involved. Yet, these plans are being undermined by State and local elected officials, Natural Resource Boards and Commissions who are overly influenced and swayed by the sentiments of misguided individuals. This has resulted in laws and procedures that negatively affect the wolf and threaten its continued existence because these decisions are not based on sound science. We cannot be assured there will be sound funding to implement the wolf management plans and because substantial threats affecting the existence of the wolf still exist, wolves of the Great Lakes Region cannot be delisted.

Sincerely,

*Nancy Warren*

Nancy Warren



Act No. 318  
Public Acts of 2008  
Approved by the Governor  
December 17, 2008  
Filed with the Secretary of State  
December 18, 2008  
EFFECTIVE DATE: December 18, 2008

**STATE OF MICHIGAN  
94TH LEGISLATURE  
REGULAR SESSION OF 2008**

Introduced by Senators Jelinek, Prusi, Gleason, Barcia, Allen, Kuipers and Jansen

## **ENROLLED SENATE BILL No. 1084**

AN ACT to authorize the removal, capture, or lethal control of a gray wolf that is preying upon a dog under certain circumstances; to provide for penalties; and to promulgate rules.

*The People of the State of Michigan enact:*

Sec. 1. As used in this act:

- (a) "Department" means the department of natural resources.
- (b) "Dog" includes a domesticated dog and a dog used for hunting.

Sec. 3.

(1) The owner of a dog or his or her designated agent may remove, capture, or, if deemed necessary, use lethal means to destroy a gray wolf that is in the act of preying upon the owner's dog.

(2) The owner of the dog or his or her designated agent shall report the taking of a gray wolf to a department official as soon as practicable, but not later than 12 hours after the taking. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$100.00 or more than \$1,000.00, or both, and the costs of prosecution.

(3) Except as otherwise provided in subsection (4), the owner of the dog or his or her designated agent shall retain possession of a gray wolf taken until a department official is available to take possession of and transfer the gray wolf to the appropriate department personnel for examination. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$100.00 or more than \$1,000.00, or both, and the costs of prosecution.

(4) If lethal means are used to destroy a gray wolf, a person shall not move or disturb the deceased gray wolf until a department official is available to take possession of and transfer the gray wolf to the appropriate department personnel for examination or until as otherwise directed by a department official. A person shall not disturb the area where lethal means were used to destroy a gray wolf until after an official investigation by the department is complete. If a dog is physically attacked or killed, a person who uses lethal means to destroy a gray wolf shall produce the dog that was attacked for inspection by department officials. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$100.00 or more than

\$1,000.00, or both, and the costs of prosecution.

(5) A department official shall respond to the scene where lethal means were used to destroy a gray wolf not later than 12 hours after the department official is notified under subsection (2).

(6) The owner of the dog or his or her designated agent may report the taking of a gray wolf by utilizing the department's report all poaching hotline at 1-800-292-7800.

Sec. 5. The department may promulgate rules to implement this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

Sec. 7. (1) Sections 1 to 5 shall not be operational and enforceable until 1 of the following occurs:

(a) A final appellate court issues a decision overruling the decision of the United States district court for the District of Columbia in *The Humane Society of the United States v Dirk Kempthorne*, civil action no. 07-0677 (D.C.C. September 29, 2008), and permits the final rule of the United States fish and wildlife service in 72 FR p 6052 (February 8, 2007) removing gray wolves located in this state from the list of endangered and threatened wildlife established under the federal endangered species act of 1973 to take effect.

(b) The United States fish and wildlife service promulgates a final rule dated after March 12, 2007 that removes gray wolves located in this state from the list of endangered and threatened wildlife established under the federal endangered species act of 1973 and that final rule takes effect.

(2) Upon sections 1 to 5 becoming operational and enforceable pursuant to subsection (1), the department shall post a notice on the department's website that includes all of the following:

(a) The date sections 1 to 5 are operational and enforceable pursuant to subsection (1).

(b) A summary of the provisions of sections 1 to 5.

Enacting section 1. If any federal or state litigation overturns the decision to remove gray wolves from the list of endangered species, the Michigan department of natural resources shall report the impact of that litigation on this act to the standing committees of the legislature with jurisdiction over issues primarily dealing with natural resources and the environment.

This act is ordered to take immediate effect.

Secretary of the Senate

Clerk of the House of Representatives

Approved

Governor

Act No. 290  
Public Acts of 2008  
Approved by the Governor  
October 6, 2008  
Filed with the Secretary of State  
October 6, 2008  
EFFECTIVE DATE: October 6, 2008

**STATE OF MICHIGAN  
94TH LEGISLATURE  
REGULAR SESSION OF 2008**

Introduced by Reps. Lahti, Lindberg, Green, Gillard, Casperson, Meekhof, Hammel, Hammon, Espinoza,  
Sheltrown, McDowell, Melton and Booher

## **ENROLLED HOUSE BILL No. 5686**

AN ACT to authorize the removal, capture, or lethal control of a gray wolf that is preying upon livestock under certain circumstances; and to provide for penalties.

*The People of the State of Michigan enact:*

Sec. 1. As used in this act:

(a) "Department" means the department of natural resources.

(b) "Livestock" means those species of animals used for human food or fiber or those species of animals used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, aquaculture, and rabbits.

Sec. 3. (1) The owner of livestock or his or her designated agent may remove, capture, or, if deemed necessary, use lethal means to destroy a gray wolf that is in the act of preying upon the owner's livestock.

(2) The owner of the livestock or his or her designated agent shall report the taking of a gray wolf to a department official as soon as practicable, but not later than 12 hours after the taking. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$100.00 or more than \$1,000.00, or both, and the costs of prosecution.

(3) Except as otherwise provided in subsection (4), the owner of the livestock or his or her designated agent shall retain possession of a gray wolf taken until a department official is available to take possession of and transfer the gray wolf to the appropriate department personnel for examination. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$100.00 or more than \$1,000.00, or both, and the costs of prosecution.

(4) If lethal means are used to destroy a gray wolf, a person shall not move or disturb the deceased gray wolf until he or she takes photographs of the deceased gray wolf and of the area where lethal means were used to destroy the gray wolf. Copies of the photographs taken by the person may be requested by the department for examination. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$100.00 or more than \$1,000.00, or both, and the costs of prosecution.

Attachment 2 (Page 2)

(5) A department official shall respond to the scene where lethal means were used to destroy a gray wolf not later than 12 hours after a department official is notified under subsection (2).

(6) The owner of the livestock or his or her designated agent may report the taking of a gray wolf by utilizing the department's report all poaching hotline at 1-800-292-7800.

Enacting section 1. If any federal or state litigation overturns the decision to remove gray wolves from the list of endangered species, the Michigan department of natural resources shall report the impact of that litigation on this act to the standing committees of the legislature with jurisdiction over issues primarily dealing with natural resources and the environment.

This act is ordered to take immediate effect.

Clerk of the House of Representatives

Secretary of the Senate

Approved  
Governor

### Attachment 3

Copy sanitized by MI DNR. This was one of the documents received by DNR as a result of a FOIA request by Nancy Warren. Although the email indicates the DNR comments (which is what was requested) are available through a legislative link, the link is a general link & committee minutes for the meetings held in 2008 are not available online. A request has been sent obtain them but not received.

(03/18/2010) Daniel Eichinger - Re: Fwd: Wildlife Issues

Page

**From:** Daniel Eichinger  
**To:** District 110  
**CC:** Russ Mason; Stacy Welling  
**Date:** 03/15/2010 2:15 PM  
**Subject:** Re: Fwd: Wildlife Issues

In spite of what [REDACTED] is attempting to portray the Department has consistently supported de-listing the gray wolf and believes that we have an effective plan that will guide our management efforts with respect to the wolf. We testified in support of both the resolution, and the legislation [REDACTED] refers to her in email that pertains to taking wolves that are preying upon livestock and pets. Because [REDACTED] did not feel it important enough to attend any of the committee hearings on your resolution or the laws she now so vocally condemns, she did not have the benefit of hearing the Department's testimony in support both measures.

So that [REDACTED] can more adequately acquaint herself with fact, I have copied the web address in which she can find legislative committee meeting minutes.  
<http://house.michigan.gov/committeeinfo.asp?lstcommittees=tourism%2C+outdoor+recreation+and+natural+resources&submit=Go>

Thanks [REDACTED]

Daniel Eichinger  
eichingerd@michigan.gov

## Attachment 4

### Michigan Wolf Management Plan DNR Commitments

- Increase public awareness and understanding of wolves and wolf-related issues
- Coordinate with management partners to develop and implement a wolf-based information and education program.
- Provide timely and professional responses to information requests
- Support training opportunities for staff and management partners involved in the wolf based information and education program.
- Evaluate the effectiveness of the wolf-based information and education program
- Maintain active research and monitoring programs to support science-based wolf management
- Monitor the abundance and health of wolves in Michigan
- Investigate biological and social factors relevant to wolf management
- Coordinate with partners to support a wolf research program
- Enact and enforce regulations necessary to maintain a viable wolf population
- Ensure adequate legal protection for wolves
- Inform the public on regulations pertaining to wolves
- Investigate and penalize violations of wolf regulations
- Maintain sustainable populations of wolf prey
- Maintain prey populations required to sustain a viable wolf population and provide for sustainable human uses
- Maintain habitat necessary to sustain a viable wolf population and adequate levels of wolf prey
- Maintain habitat linkages to allow wolf dispersal
- Minimize disturbance at known active wolf den sites.
- Monitor and manage adverse effects of diseases and parasites on the viability of the wolf population.
- Monitor the health of wolves in Michigan and assess the need to manage diseases and parasites in the wolf population
- Achieve compatibility between wolf distribution and abundance and social carrying capacity
- Promote consistent public understanding and appreciation of the benefits and costs associated with particular wolf levels.
- Manage wolf-related interactions to increase public tolerance for wolves
- Manage wolf distribution and abundance as necessary to maintain positive and negative wolf-related interactions at socially acceptable levels.
- Facilitate positive wolf-human interactions and other wolf-related benefits

#### Attachment 4 (Page 2)

- Inform the public on benefits derived from the presence of wolves
- Maintain a distribution and abundance of wolves adequate to maintain benefits at levels acceptable to the public.
- Promote opportunities for people to experience and appreciate wolves.
- Manage actual and perceived threats to human safety posed by wolves
- Promote accurate public perceptions of the human-safety risks posed by wolves
- Provide timely and professional responses to reports of human-safety risks posed by wolves
- Minimize the incidence of rabies in wild and domestic populations
- Prevent or minimize the habituation of wolves
- Eliminate actual human-safety threats where they occur
- Manage wolf depredation of domestic animals
- Provide timely and professional responses to reports of suspected wolf depredation of domestic animals.
- Minimize the risk of wolf depredation of domestic animals
- Eliminate or minimize ongoing wolf depredation of domestic animals.
- Develop a program to allow livestock producers to control depredating wolves on their property.
- Facilitate financial compensation for livestock losses caused by wolves
- Work with partners to discontinue compensation for privately owned cervids lost to wolves.
- Minimize the negative impacts of captive wolves and wolf-dog hybrids
- Minimize and deter the possession of captive wolves and wolf-dog hybrids in Michigan
- Develop and implement a socially and biologically responsible policy regarding public harvest of wolves
- Develop and implement a policy regarding public wolf harvest for the purpose of reducing wolf-related conflicts.
- Develop and implement a policy regarding public wolf harvest for reasons other than managing wolf-related conflicts

## Attachment 5

### **324.40118 Violation as misdemeanor; penalty.**

(1) A person who violates this part, an order or interim order issued under this part, or a condition of a permit issued under this part, except for a violation specified in subsections (2) to (12), is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not less than \$50.00 or more than \$500.00, or both, and the costs of prosecution. In addition, a permit issued by the department under this part shall be revoked pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(2) A person who violates a provision of this part or an order or interim order issued under this part regarding the possession or taking of any game, except deer, bear, wild turkey, moose, or elk, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not less than \$100.00 or more than \$1,000.00, or both, and the costs of prosecution.

(3) A person who violates a provision of this part or an order or interim order issued under this part regarding the possession or taking of deer, bear, or wild turkey is guilty of a misdemeanor and shall be punished by imprisonment for not less than 5 days or more than 90 days, and a fine of not less than \$200.00 or more than \$1,000.00, and the costs of prosecution.

(4) A person who violates a provision of this part or an order or interim order issued under this part regarding the possession or taking of elk is guilty of a misdemeanor punishable by imprisonment for not less than 30 days or more than 180 days, or a fine of not less than \$500.00 or more than \$2,000.00, or both, and the costs of prosecution.

(5) A person who violates a provision of this part or an order or interim order issued under this part regarding the possession or taking of moose is guilty of a misdemeanor and shall be punished by imprisonment for not less than 90 days or more than 1 year and a fine of not less than \$1,000.00 or more than \$5,000.00, and the costs of prosecution.

(6) A person sentenced pursuant to subsection (3), (4), (5), (10), or (11) shall not secure or possess a license of any kind to hunt during the remainder of the year in which convicted and the next 3 succeeding calendar years. A person sentenced pursuant to subsection (7) shall not secure or possess a license to hunt during the remainder of the year in which convicted and the next succeeding calendar year.

(7) A person who violates section 40113(1) is guilty of a misdemeanor punishable by imprisonment for not less than 5 days or more than 90 days, or a fine of not less than \$100.00 or more than \$500.00, or both, and the costs of prosecution.

(8) A person who violates section 40113(2) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not less than \$50.00 or more than \$500.00, or both, and the costs of prosecution.



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(9) A person who violates section 40113(3) is guilty of a misdemeanor and shall be punished by imprisonment for not less than 5 days or more than 90 days and a fine of not less than \$100.00 or more than \$500.00, and the costs of prosecution.

(10) A person who violates a provision of this part or an order or interim order issued under this part regarding the taking or possession of an animal that has been designated by the department to be a protected animal, other than an animal that appears on a list prepared pursuant to section 36505, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$100.00 or more than \$1,000.00, or both, and the costs of prosecution.

(11) A person who buys or sells game or a protected animal in violation of this part or an order or interim order issued under this part is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$1,000.00, or both, for the first offense, and is guilty of a felony for each subsequent offense.

(12) If a person is convicted of a violation of this part or an order or interim order issued under this part and it is alleged in the complaint and proved or admitted at trial or ascertained by the court after conviction that the person had been previously convicted 2 times within the preceding 5 years for a violation of this part or an order or interim order issued under this part, the person is guilty of a misdemeanor and shall be punished by imprisonment for not less than 10 days or more than 180 days, and a fine of not less than \$500.00 or more than \$2,000.00, and costs of prosecution.

**History:** Add. 1995, Act 57, Imd. Eff. May 24, 1995 ;-- Am. 2000, Act 347, Imd. Eff. Dec. 28, 2000

**Popular Name:** Act 451

**324.40119** Reimbursement of state for value of game or protected animal; forfeiture; payment; default as civil contempt; additional time for payment; reduction of amount forfeited; revocation of forfeiture; collection of default in payment; disposition of forfeiture damages.

(1) In addition to the penalties provided for violating this part or an order issued under this part, and the penalty provided in section 36507, a person convicted of the illegal killing, possessing, purchasing, or selling, of game or protected animals, in whole or in part, shall reimburse the state for the value of the game or protected animal as follows:

(a) Bear, elk, hawk, moose, or any animal that appears on a list specified in section 36505, \$1,500.00 per animal.

(b) Deer, owl, and wild turkey, \$1,000.00 per animal.

(c) Other game not listed in subdivision (a) or (b), not less than \$100.00 or more than \$500.00 per animal.

(d) Other protected animals, \$100.00 per animal.

(2) The court in which a conviction for a violation described in subsection (1) is obtained shall order the defendant to forfeit to the state a sum as set forth in subsection (1). If 2 more defendants are convicted of the illegal killing, possessing, purchasing, or selling, in whole or in part, of game or protected animals listed in subsection (1), the forfeiture prescribed shall be declared against them jointly.

(3) If a defendant fails to pay upon conviction the sum ordered by the court to be forfeited, the court shall either impose a sentence and, as a condition of the sentence, require the defendant to satisfy the forfeiture in the amount prescribed and fix the manner and time of payment, or make a written order permitting the defendant to pay the sum to be forfeited in installments at those times and in those amounts that, in the opinion of the court, the defendant is able to pay.

(4) If a defendant defaults in payment of the sum forfeited or of an installment, the court on motion of the department or upon its own motion may require the defendant to show cause why the default should not be treated as a civil contempt, and the court may issue a summons or warrant of arrest for his or her appearance. Unless the defendant shows that the default was not due to an intentional refusal to obey the order of the court or to a failure to make a good faith effort to obtain the funds required for the payment, the court shall find that the default constitutes a civil contempt.

(5) If it appears that the defendant's default in the payment of the forfeiture does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of the forfeiture or of each installment, or revoking the forfeiture or the unpaid portion of the forfeiture, in whole or in part.

(6) A default in the payment of the forfeiture or an installment payment may be collected by any means authorized for the enforcement of a judgment under chapter 60 of the revised judicature act of 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

(7) A court receiving forfeiture damages shall remit the damages to the county treasurer, who shall deposit the damages with the state treasurer, who shall deposit the damages in the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010.

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# Fed up

DNR wildlife chief says feds shouldn't mess with Michigan's wolf control program

By RALPH ANSAMI  
Globe News Editor

IRONWOOD — "We need our authority back," the Michigan Department of Natural Resources Wildlife Division Chief said Monday morning in reference to controlling wolves in the state.

Russ Mason said there's no reason for the federal government to be involved in Michigan's wolf control program.

"There's no question wolves are fully recovered here and we should be able to manage them," Mason said. "Like any game species, they deserve to be managed."

While wolves are not listed as endangered by the MDNR, they are federally listed as endangered. That means two Michigan laws that allow livestock and pet owners to kill wolves that are attacking their animals have

been shelved.

For those two laws and the state's wolf management plan to take effect, the U.S. Fish and Wildlife Service

must first remove wolves from the endangered species list.

That was done twice before, in 2007 and 2009, but animal rights groups filed successful lawsuits forcing wolves back on the endangered species list.

Mason charged one of those groups, the Defenders of Wildlife organization, "has nothing to do with wildlife."



**Mason**  
Wants state to regain control

(See FED — Page 2)

## FED: Mason visiting across U.P.

(Continued from Page 1)

In effect, federal laws now "trump" state legislation, Mason said.

In Minnesota, up to 130 problem wolves are killed per year, he said, and wolves attacking livestock were previously euthanized in the U.P.

In an interview, Mason said he would personally like to see the wolf become a game species, but it would be a mistake to pursue a wolf hunting season now because there are too many steps to be tackled first, including getting state control.

The 550 wolves in the U.P. are "several times the state's recovery goal," he said.

Acting too soon at attempting a wolf hunting season would give the public the impression, "They just want to kill them all," he said.

Mason believes the MDNR is taking a bad rap for a situation created by the federal government.

Following a poor deer hunting season in the western Upper Peninsula, he said hunters are blaming wolves, when two consecutive severe winters and an abundance of other predators are bigger problems.

Killing more coyotes throughout the U.P. would help the deer herd, Mason said. He points out in the West, killing only 1 to 2 percent of the coyotes is effective for ranchers because they target problem coyotes.

"We should focus here on trapping and shooting coyotes in deer yards," he said.

It's possible a Michigan bounty on coyotes may be initiated, he added.

"The U.P. is such a big place that there's only so much that any one of us can do. We need partnerships involving everyone," Mason said. He said sportsmen and the DNR must develop trust, "instead of beating on each other."

U.P. habitat is actually more suited to moose and caribou, Mason said, but he believes supplemental feeding programs can help deer. He said the DNR is working with the Upper Peninsula Sportsmen's Alliance concerning feeding efforts. He also said selective logging can be a great benefit to deer, especially during tough winters.

Mason defends the MDNR's strategy not to register deer kills. He said it would be too expensive and believes the state gets an accurate count of the kill through check stations and hunter surveys.

"Did we overestimate (the deer herd) last year? We might have," he said.

Regarding the DNR's deer regulations in the U.P., Mason said hunters are split about 50-50 on the "trophy buck" regulations.

Mason also cleared up a few misconceptions about wolves.

While the MDNR transported four radio-collared wolves from Minnesota to the U.P. in 1974, all of the animals died or were killed within eight months, he said.

Michigan's wolves have come from packs in Wisconsin, Minnesota or Ontario, he added.

Also, there has never been a documented wolf attack on humans in the lower 48 states, even where wolves are in higher densities than in the U.P., Mason said.